

REMARKS/ARGUMENTS

The present application has been amended to overcome the rejections set out in the Final Office Action dated December 18, 2009 and to clarify the patentable features of the Applicant's invention. In particular, claim 6 has been amended.

In rejecting claim 1, the Examiner cited the Gold and Bergmann patents, contending that each of these patents show all of the elements set out in claim 6. As the Examiner will note, claim 6 has now been amended to clarify that a separate flow path is established between the spool region to a transfer chamber that is located adjacent the valve member. The flow path, which supports flow of fluid comprises openings in the disc-like member, a region chamber defined between the disc-like member and a cover member and a wall opening. This separate flow path is clearly not shown or suggested in the Gold reference. The Examiner cites openings 32 in the Gold patent as being part of a flow path. As clearly disclosed in Gold, the openings 32 communicate with a pressure chamber 40 located above the upper disc (see page 1, lines 98-105). The Gold "pressure chamber" is used to either apply pressure or equalize pressure on the upper disc 29 and is not a "transfer chamber". Claim 6 and its associated dependent claims are clearly patentable over Gold and should be allowed.

Regarding the Bergmann patent, amended claim 6 recites a cylindrical wall defining an opening in fluid communication with the chamber region. Bergman does not teach or suggest this structure. Bergman teaches a valve 10 that defines a series of chambers 11, 12, 13 that are selectively brought into fluid communication with passageways 1, 2, 3, 4, 9 by rotating the valve. The chambers 11, 12, 13 are fluidly sealed from one another by hollow members 30 on the walls 5, 6, 7, 8 defining the passageways 1, 2, 3, 4, 9 that cooperate with hollow members 33 on the valve 10 (Fig. 2). The hollow members 30, 33 are filled with water from nozzles 31 such that a continuous sheet of moving water flows through the hollow members to isolate the chambers 11, 12, 13 and, thus, the passageways 1, 2, 3, 4, 9 from one another. The water collects in a lower trough 36 and is continuously removed via a pipe 50.

The Examiner asserts that the hollow members 30 constitute the wall openings of the present invention (Office Action page 4). The hollow members 30, however, are specifically designed to prevent fluid communication between the chambers 11, 12, 13 of the valve 10 and the passageways 1, 2, 3, 4, 9. Therefore, the hollow members 30 are not in fluid communication with either the chambers 11, 12, 13 of the valve 10 or the passageways 1, 2, 3, 4, 9. Accordingly, the hollow members do not constitute a cylindrical wall defining an opening in fluid

communication with a chamber region. For these reasons, Bergman does not teach or suggest the structure recited in amended claim 6.

In view of the foregoing amendment and discussion, it is respectfully submitted that this application is now in condition for allowance and prompt notice to that effect is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this response to our Deposit Account No. 20-0090.

Respectfully submitted,

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